

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:06cr251

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

ROBERT DEON HUNTER, Jr. (3),)

ROBERT DEON HUNTER, Sr. (4).)

)

ORDER

THIS MATTER is before the Court on the Government's Motion to Dismiss Forfeiture of Real Property at 150 Morehead Road, Marion, North Carolina [Doc. 321]. No response has been received.

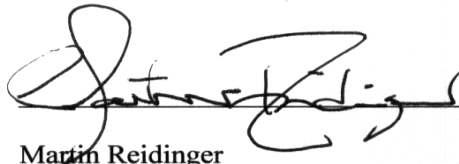
In the motion, the Government alleges that the forfeiture of the real property at issue has never been completed. Because there is no equity in the property and there are substantial tax liens, the Government seeks to dismiss the forfeiture.

However, on February 25, 2008, Hon. Lacy H. Thornburg entered a Final Order of Forfeiture in which he adjudicated that "[a]ll right, title, and interest in [the property at issue] ... [was] forfeited to the United States for disposition according to law[.]" [Doc. 242]. From the standpoint of the Court,

the forfeiture became completed and final as to the ownership interest of the Defendants and all third parties when this Order was entered. United States v. Penland, 370 Fed.Appx. 381 (4th Cir. 2010). This Court therefore cannot dismiss the forfeiture. Should the Government desire to dispose of the property, it may do so without involving the Court.

IT IS, THEREFORE, ORDERED that the Government's Motion to Dismiss Forfeiture of Real Property at 150 Morehead Road, Marion, North Carolina [Doc. 321] is hereby **DENIED**.

Signed: October 19, 2010


Martin Reidinger
United States District Judge

